

Notice of Allowability

Application No.

10/059,568

Examiner

Duc C. Ho

Applicant(s)

GOODINGS ET AL.

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-27-02.
2. ☒ The allowed claim(s) is/are 12-22,24-27 and 29-35. Renumbered 1-22, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4;6;10/03&10/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10-13-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Duc C Ho
Primary Examiner
Art Unit: 2665

EXAMINER 'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Bednarek on 10-13-05.

The application has been amended as follows:

In the claims:

Claims 23, and 28 are canceled.

Claim 12, line 11, after "link", insert --- , wherein the modified payload information is further comprised of an auxiliary data field containing information that is not representative of an audio signal ---.

Claim 24, line 1, "claim 23" has been changed to --- claim 12 ---.

Claim 25, line 10, after "field", insert --- , wherein the payload portion is modified to further comprise of an auxiliary data field containing information that is not representative of an audio signal ---.

Claim 26, line 14, after "detection code; ", next line, insert

--- extracting the payload from the data packet by the second wireless device;

detecting whether the payload received contains errors by implementing an error detection protocol using the error detection code received within the payload;

generating an analog audio signal by the second device when the payload received does not contain errors, the analog audio signal being derived from the first portion of encoded audio signal;

discarding the first portion of encoded audio signal by the second device when the payload received contains errors; ---.

Reason for Allowance

2. Regarding claims 1-22, and 24-25, the prior art fails to teach or suggest a method for transmitting digitized audio data from a first wireless device to a second wireless device using a BLUETOOTH wireless communications link implementing a packet-based communication protocol, the protocol providing for a data packet structure having a payload that is based upon audio data typically encoded at a first bitrate, the method comprises a step in which the modified payload information is further comprised of an auxiliary data field containing information that is not representative of an audio signal, in combination with other limitations, as specified in the independent claims 1, and 25.

Regarding claims 26-27, and 29-32, the prior art fails to teach or suggest a method for transmitting a digitized encoded audio data from a first wireless device having a transmitter to a second wireless device via a BLUETOOTH asynchronous connectionless link, the method comprises the steps of detecting whether the payload received contains errors by implementing an error detection protocol using the error detection code received within the payload; generating an analog audio signal by the

Art Unit: 2665

second device when the payload received does not contain errors, the analog audio signal being derived from the first portion of encoded audio signal; and discarding the first portion of encoded audio signal by the second device when the payload received contains errors, in combination with other limitations, as specified in the independent claim 26.

Regarding claims 33-34, the prior art fails to teach or suggest a method for communicating a digitized encoded audio data from a first wireless device to a second wireless device via a BLUETOOTH asynchronous connectionless link, the method comprises the steps of determining for each of the plurality of data subsets whether the data subset was received with uncorrectable errors using the error detection code, and discarding only the contents of each data subset received with uncorrectable errors, in combination with other limitations, as specified in the independent claim 33.

Regarding claims 35, the prior art fails to teach or suggest an apparatus for transmitting digitized audio data from a first wireless device having a transmitter to a second wireless device via using a packet-based BLUETOOTH wireless communication protocol, the apparatus comprises a first link manager associated with the first wireless device which processes the digitized audio data to generate a data packet payload, where the operation of the link manager depends upon the encoding algorithm implemented by the digital audio encoder, which link manager generates error detection data derived from the digitized audio data and associates the error detection data with the digitized audio data when the digital audio encoder implements the second encoding algorithm, such that the cumulative length of the error detection data and the

Art Unit: 2665

digitized audio data encoded when using the second encoding algorithm is less than or equal to the length of the audio data had it been encoded using the first encoding algorithm, in combination with other limitations, as specified in the independent claim 35.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2665

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

A handwritten signature in black ink, appearing to read "Duc Ho", written in a cursive style.

Duc Ho

10-13-05